



Periodic Review / Retain Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40 -690
Regulation title	Virginia Child Care Provider Scholarship Program
Document preparation date	August 18, 2004

This form is used when the agency has completed a periodic review of a regulation and plans to retain that regulation without change. This information is required pursuant to Executive Orders 21 (2002) and 58 (1999) (governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html).

Legal basis

Please identify the state and/or federal source of legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., the agency, board, or person. State that the Office of the Attorney General has certified that the entity continues to have the proper authority to promulgate this regulation.

Section 63.2-217 of the Code of Virginia provides the Virginia Department of Social Services with the authority to promulgate this regulation. The Code provides the State Board of Social Services with the authority to develop rules and regulations as may be necessary or desirable to carry out its work.

The regulation is not required by federal or state law or regulation. However, funding and eligibility information for the college tuition scholarship program is contained in Item 360.G of the FY2003-2004 Appropriation Act. The State Plan for the Child Care and Development Fund for Child Care Services, which is presented to the U.S. Department of Health and Human Services, stipulates that quality initiative funds will be used for professional development activities including training, education, and technical assistance; the scholarship program is listed as one of the activities.

The Office of the Attorney General has certified that the State Board of Social Services has the authority to promulgate this regulation and that the regulation comports with applicable state and federal law.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

Various options were considered in the review of this regulation. The Department inquired of the Office of the Attorney General whether there was a need to continue this regulation since it is mostly procedural. The response was affirmative.

The Department considered revising the regulation, but thought it premature because the child care provider professional development project has not been completed. That project will greatly impact provisions of this regulation.

The existing regulation is brief and only contains the minimum requirements to operate the program. No less burdensome and less intrusive responsible alternatives exist.

Public comment

Please summarize all public comment received in response to the Notice of Periodic Review and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
Valerie Cuffee, Arlington Department of Social Services	Arlington County Department of Social Services supports the continuation of the program and recommends no changes.	The agency agrees.
Silvia Mills, Virginia Alliance of Family Child Care Association	Virginia Alliance of Family Child Care Association supports the continuation of the program and suggests possible changes such as paying for books and other related expenses.	The agency agrees and will consider including additional expenses should additional funding become available.
Christopher Schuster, Virginia Child Care Association	Virginia Child Care Association supports the continuation of the program in its current form and submits that the program impacts the quality of child care through the obtainment of training. The association suggests that the application process be simplified, if possible.	The agency agrees that the program should be continued in its current form and will consider ways that the application form could be shortened.
Kristy Wright, Voices for Virginia's Children	Voices for Virginia's Children supports the continuation of the program. It also recommends that the Department take a comprehensive look at the professional development program for child care	The agency agrees that the program should be continued and that a comprehensive plan for professional development for child care providers be developed. The Department plans to

	providers.	initiate this project in Fall 2004.
Denise Pearsall and Christine Scibetta, Northern Virginia Association for the Education of Young Children	Northern Virginia Association for the Education of Young Children supports the continuation of the program.	The agency agrees.
Reynold Jordan, Portsmouth Department of Social Services	Portsmouth Department of Social Services supports the continuation of the program.	The agency agrees.
Mary Hanrahan, Northern Virginia Community College	Ms. Hanrahan supports the continuation of the program. The education paid through this program has made a big difference in the lives of providers and children.	The agency agrees.
Maria Martinez, Fairfax County Department of Family Services, Office for Children	The Office for Children supports the continuation of the program and offers the following suggestions for program changes: (1) reduce the number of times an applicant must complete an application, (2) accept college rosters as proof of student participation, (3) have a more flexible application period, and (4) allow for exceptions to approved program courses.	The agency agrees with the recommendations to continue the program and to simplify the application process when possible. However, it is essential that the agency maintain a level of organized operations and program integrity and accountability and therefore, must have in place necessary operating procedures.

An advisory committee was formed to look at the scholarship program. Issues addressed include program eligibility, eligible expenses, and the maximum funds to be spent on individuals. It concluded that any revision to the regulation at this time is premature as the child care provider professional development project has not been completed and the regulation needs to address all training and education funded through a Department of Social Services sponsored scholarship program.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 21, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

This regulation establishes the process used by the Virginia Department of Social Services to administer the Virginia Child Care Provider Scholarship Program. The regulation is necessary for the public to be aware of the process for applying for a scholarship and so that the agency may use funds to award scholarships to current and future child care providers. Children in child care and their parents benefit by receiving care from providers who are expanding their knowledge and skills. Well-trained providers are better able to protect the health, safety and welfare of the children in their. The regulation is required to ensure the efficient and economical performance of this important governmental function.

The agency reviewed the regulation for ease of understanding. No comments have been received to indicate that the regulation is unclear or difficult to understand. An evaluation of the program was conducted in 2001. Participants were asked to evaluate the program in various

areas. One of the areas was information provided. The comments reflected that the participants viewed the information provided (oral and written) as clear and complete.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency is recommending that the regulation remain in effect without change.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

This regulation has a positive impact on Virginia families as it is pro-family and promotes family stability for child care consumers and child care providers. It allows child care providers to increase their knowledge and skills in areas that are relevant to the care of children by allowing them to take college courses at a very low cost.

Children in child care and their parents benefit by receiving care from providers who are expanding their knowledge and skills. Better trained providers should result in better satisfied consumers which should have a positive impact on family life.

Increased education often leads to increased income. The potential for an increased earning level and for acquisition of improved social interaction skills by providers can have a positive effect on how child care providers care for themselves and their families.